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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,433	06/04/2001	Margo N. Whale	10007200-1	5662

7590 07/22/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,433

Applicant(s)

WHALE, MARGO N.

Examiner

Eron J Sorrell

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/3/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 38,39,42,43,45,51,52,53,55, and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al. (USPN: 5,812,156 hereinafter "Bullock").

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4. Referring to claims 38, Bullock teaches a method, comprising:

receiving a component of a printing device, the component including a memory component that maintains printing-related data (see lines 50-59 of column 3);

retrieving the printing-related data from the memory component (see lines 21-37 of column 2); and

utilizing the printing-related data for printing analysis (see lines 21-37 of column 2).

5. Referring to claim 39, Bullock teaches receiving a replaceable component of the printing device (see lines 21-37 of column 2).

6. Referring to claims 42 and 55, Bullock teaches wherein receiving the component includes receiving a toner cartridge of the printing device (see lines 21-37 of column 2).

7. Referring to claims 43 and 56, Bullock teaches utilizing the printing-related data for marketing analysis (see line 14 of column 4 to line 5 of column 5).

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8. Referring to claim 45, Bullock teaches the printing-related data includes print media usage data collected when the printing device is operational (see line 14 of column 4 to line 5 of column 5).

9. Referring to claim 51, Bullock teaches a method, comprising:

receiving a replaceable printing component having print media usage data maintained therewith, the print media usage data collected during one or more printing operations (see lines 50-59 of column 3); and

retrieving the print media usage data from the replaceable printing component (see lines 21-37 of column 2).

10. Referring to claim 52, Bullock teaches retrieving the print media usage data from a memory component of the replaceable printing component (see lines 21-37 of column 2).

11. Referring to claim 53, Bullock teaches the print media usage data is further collected during the one or more printing operations of a printing device with the replaceable printing component configured for operation with the printing device, and wherein receiving the replaceable printing component includes

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receiving the replaceable printing component in an inoperable state and removed from the printing device (see lines 14 of column 4 to line 16 of column 5).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 40,41,44,54,57,61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock in view of Ito et al. (USPN: 6,658,219 hereinafter "Ito").

14. Referring to claims 40,41, and 54 Bullock fails to teach the component being recyclable and receiving the component via a replaceable component recycle program.

Ito, in an analogous system, teaches the above limitations (see lines 10-16 of column 15).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

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method of Bullock with the teachings of Ito. One of ordinary skill in the art would have been motivated to make such modification in order to reduce manufacturing costs by recycling the components.

15. Referring to claims 44 and 57, Bullock fails to teach developing a product distribution scheme based on the print media usage data.

Ito, in an analogous system teaches the above limitation (see lines 10-35 of column 15).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Bullock with the teachings of Ito. One of ordinary skill in the art would have been motivated to make such modification in order to ensure a correct and operational cartridge is being sent as suggested by Ito (see lines 10-35 of column 15).

16. Referring to claims 61 and 62, Bullock fails to teach manufacturer of the replaceable printing component receives the replaceable printing component and retrieves the print media usage data.

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Ito, in an analogous system, teaches the above limitation (see lines 10-35 of column 15).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Bullock with the above teachings of Ito. One of ordinary skill in the art would have been motivated to make such modification in order to prevent a cartridge from being used at the lapse of its lifetime as suggested by Ito (see lines 8-13 of column 4).

17. Claims 46-50 and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock in view of McGraw (USPN: 6,097,497).

18. Referring to claims 46-50 and 58-60, Bullock teaches the printing-related data includes a total number of print media routed and further teaches that other printing-related data may be stored as well (see line 14 of column 4 to line 16 of column 5).

McGraw teaches determining a particular type of print media having a determinable media identifier (see lines 13-24 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

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method of Bullock with the teachings of McGraw and to determine the percentage of total number of a particular print media routed to the printing device of the total number of print media. One of ordinary skill in the art would have been motivated to make such modification in order to optimize printing conditions for printing as suggested by McGraw (see lines 56-65 of column 1).

Response to Arguments

19. Applicant's arguments with respect to claims 38-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following reference are cited to further show the state of the art as it pertains to removable components for printers comprising a memory:

U.S. Patent No. 6,547,363 to Shinada et al. teaches a removable ink cartridge with a memory for storing printing related data; and

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U.S. Patent No. 6,000,773 to Murray et al. teaches a removable ink cartridge with a memory for storing printing related data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 703 305-7800. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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EJS

July 19, 2004



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SUPERVISORY PATENT EXAMINER
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